

REMARKS

Claims 1-7 are currently pending in the application.

The withdrawal of the previous ground of rejection under 35 U.S.C. §102 is noted with appreciation. However, claims 1-7 have been newly rejected under 35 U.S.C. §103 as being unpatentable over U.S. Publication 2001/0020198 to Wilson in view of newly cited Japanese Publication 10-324398 to Kazumi. This sole ground of rejection is respectfully traversed for the reasons of record and in further view of the remarks below.

As noted in the previous response, the present invention claims a fixed amount sales system where a customer selects a fixed amount for purchasing both items sold (e.g., gasoline) and option items (e.g., snacks). Purchasing both types of items within a fixed amount eliminates the need for customers to provide additional funds, as well as eliminating need of a store clerk to provide change. Neither Wilson nor Kazumi teach or suggest these and other novel features of the present invention.

While Wilson appears to discuss the ability to purchase products and services (other than gasoline) at a fuel dispenser (see paragraphs 0003 and 0086 in Wilson), Wilson clearly does not teach or suggest limiting all combined purchases (e.g., gasoline plus snacks) to a fixed amount or displaying those products and services (other than gasoline) available for purchase only within a fixed amount. In fact, Wilson clearly teaches away from any use of selecting a fixed amount at a POS terminal because it is “often impractical and inconvenient” (see paragraph 0104 in Wilson - “...since the customer’s vehicle tank ullage is unknown, **fueling to a prepaid dollar amount is often impractical and inconvenient to the customer**.” (emphasis added)).

The Examiner cites paragraph 0192 as teaching an operation of “selecting a fixed amount;” however, the setting of a particular dollar amount or limit in the Wilson system is not performed at a fuel stand (or POS terminal), let alone selected by a customer at said fuel stand. Rather, paragraph 0192 clearly discusses a spending limit that is a safety and security feature in order to supervise the limits spent by the user at the fuel dispensing system. Wilson indicates that this feature would be particularly useful for parents who wish to supervise the spending limits of their children, as well as fueling for truck fleets. However, at no point does Wilson

teach or suggest a POS terminal which allows for selecting a fixed amount which can be spent on both items and option items *at the POS terminal*, especially since Wilson specifically states that “fueling to a prepaid dollar amount is often impractical and inconvenient to the customer” (see paragraph 0104).

Further, Wilson specifically fails to teach or suggest deducting option items from a fixed amount, which has been acknowledged by the Examiner, and the Examiner relies on Kazumi as teaching this feature. However, the Examiner’s reliance on Kazumi is clearly misplaced. Particularly, while Kazumi appears to address a fixed amount system, the abstract of Kazumi does not mention or suggest option items or, for that matter, any item other than liquid items sold by weight (e.g., gasoline). Upon review of the computer-generated, unofficial, translation of the entire Kazumi publication (available through the JPO website), it is clearly shown that Kazumi does not teach or suggest option items. A copy of the computer-generated translation is attached for the Examiner’s review. Rather, Kazumi teaches a system for storing saved amounts from previous customer transactions and using that saved amount if needed to supplement the later purchase of a fixed amount item, such as gasoline. For example, if a customer selects a fixed amount of \$20 for gasoline, and the fuel only amounts to \$15, the remaining \$5 is applied to a customer account (accessible via a credit-card like device) rather than going to the store clerk and asking for change. Then, at a later transaction, if the same customer selects a fixed amount of \$25 for gasoline, and the fuel amounts to \$30, then instead of going to the store clerk to give him \$5, the \$5 difference is taken from the customer’s account. Since Kazumi clearly fails to teach or suggest option items, Kazumi cannot be combined with Wilson for a teaching of deducting option items from a fixed amount. Further, Kazumi is not properly combined with Wilson because Wilson teaches away from using a fixed amount sales systems (see paragraph 0104 in Wilson) similar to the one disclosed in Kazumi.

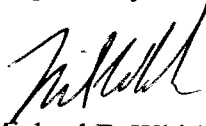
Therefore, as demonstrated by the foregoing, Wilson and Kazumi, either alone or in combination, clearly fails to anticipate or render obvious the novel functions of the claimed invention. Thus, it is respectfully requested that the application be reconsidered, that claims 1 - 7 be allowed, and that the application be passed to issue.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present

claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', is written over a horizontal line.

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